IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.34934-M of 2007
Date of Decision:- 18.09.2007

Rajinder Singh ....Petitioner(s)

through
Mr.Kuldeep Tiwari, Advocate

vs.

State of Haryana and another ....Respondent(s)

through
Mr.R.D.Sharma, DAG, Haryana

***

CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

***

1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

***

SURYA KANT, J. (ORAL)

The prayer in this petition is for quashing of F.I.R.No.98 dated 2.2.1997 under Sections323/324/148/149 IPC registered at Police Station, Pehowa as also the chargesheet and the subsequent proceedings arising therefrom.

The above-stated relief has been sought by the petitioner on the ground that the unfortunate dispute has since been compromised and both the parties, in order to restore peace and harmony, have entered into a compromise.

Reliance has been placed upon an affidavit purported to have been given by the complainant, a copy of which has been appended as Annexure P-5.

It is also averred on behalf of the petitioner that his co-accused has since been acquitted on merits.

It, however, appears from the record that the petitioner has been declared a proclaimed offender.

Notice of motion was issued and in response thereto, the respondents have filed their reply. While rest of the material averments made by the petitioner and noticed above are not disputed, however, the respondents too have highlighted the fact that the petitioner was declared a proclaimed offender.

After hearing learned counsel for the parties, I am of the view that though in a case where a person has taken the Court of law for a ride, no discretionary relief can be granted, however, in the case in hand the continuation of the impugned criminal proceedings would be nothing but a futile burden on the learned trial Court.

It is apparent from the certified copy of the order that the petitioner's co-accused has already been acquitted and in the light of the compromise, the complainant is not likely to stand by the prosecution case.

Consequently and for the reasons afore-stated as also keeping in view the principles laid down by a five Judges Bench of this Court in the case of **Kulwinder Singh and others vs. State of Punjab and another,** in Crl.Misc.No.33016-M of 2007 decided on 8.8.2007, this petition is allowed. The impugned F.I.R. No.98 dated 2.2.1997 under Sections323/324/148/149 IPC registered at Police Station, Pehowa as also the chargesheet and subsequent proceedings arising therefrom are hereby quashed.

September 18, 2007 **(SURYA KANT)**
poonam **JUDGE**